

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**  
**Act 451 of 1994**

**324.1307 Approval or denial of permit application; extension of processing period; explanation of reasons for permit denial; failure of department to satisfy requirements of subsection (1); effect.**

Sec. 1307. (1) By the processing deadline, the department shall approve or deny an application for a permit. If requested by the permit applicant, the department may extend the processing period for a permit by not more than 20%. Approval of an application for a permit may be granted with conditions or modifications necessary to achieve compliance with the part or parts of this act under which the permit is issued.

(2) A denial of an application for a permit shall include an explanation of the reasons for denial and make specific reference to provisions of this act or rules promulgated under this act providing the basis for denial.

(3) Except for permits described in subsection (4), if the department fails to satisfy the requirements of subsection (1) with respect to an application for a permit, the department shall pay the applicant an amount equal to 15% of the greater of the following, as applicable:

(a) The amount of the application fee for that permit.

(b) If an assessment or other fee is charged on an annual or other periodic basis by the department to a person holding the permit for which the application was submitted, the amount of the first periodic charge of that assessment or other fee for that permit.

(4) If the department fails to satisfy the requirements of subsection (1) with respect to a permit under section 11509, 11512, or 30307, the application shall be considered to be approved and the department shall be considered to have made any determination required for approval.

(5) The failure of the department to satisfy the requirements of subsection (1) or the fact that the department is required to make a payment under subsection (3) or is considered to have approved a permit under subsection (4) shall not be used by the department as the basis for discriminating against the applicant. If the department is required to make a payment under subsection (3), the application shall be processed in sequence with other applications for the same type of permit, based on the date on which the processing period began, unless the director determines on an application-by-application basis that the public interest is best served by processing in a different order.

(6) If the department fails to satisfy the requirements of subsection (1), the director shall notify the appropriations committees of the senate and house of representatives of the failure. The notification shall be in writing and shall include both of the following:

(a) An explanation of the reason for the failure.

(b) A statement of the amount the department was required to pay the applicant under subsection (3) or a statement that the department was required to consider the application to be approved under subsection (4), as applicable.

**History:** Add. 2004, Act 325, Imd. Eff. Sept. 10, 2004.

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